



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
Elmendorf AFB, Alaska 99506-0898

PUBLIC NOTICE DATE: 27 February 2007
EXPIRATION DATE: 28 March 2007
REFERENCE NUMBER: POA-2007-408-4
WATERWAY: Fortymile River

Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States as described below and shown on the enclosed project drawings.

APPLICANT: Mr. Michael E. Bice, 3107 Bettles Bay Loop, Anchorage, Alaska 99515

LOCATION: The proposed project is located within section 35, T. 7 S., R. 33 E., and section 2, T. 8 S., R. 33 E., Fairbanks Meridian; Latitude 64.2511° N., Longitude 141.1449° W.; 13 miles east of Taylor Highway Bridge, near Chicken, Alaska.

SPECIAL AREA DESIGNATION: The project is located within the Wild and Scenic Fortymile River.

PURPOSE: The applicant's stated purpose is to dredge for gold.

PROPOSED WORK: The applicant proposes to use two 7-inch dredges, two 6-inch dredges, one 5-inch dredge, and one 4-inch dredge at different times and in different combinations to dredge the river bottom down to the bedrock.

MITIGATION: The applicant has proposed the following mitigation measures to reduce impacts to the aquatic environment: The applicant will reclaim the tailing piles concurrently during dredging by leveling or recontouring tailings.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are four (4) unevaluated properties in the

vicinity of the worksite. They have been designated EAG-7, EAG-100, EAG-359, and EAG-360. Because these properties have been determined to be outside of the project area, no further action is required. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time. This application is being coordinated with SHPO. Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. Preliminarily, the described activity will not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS). Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Preliminarily, the described activity will not affect EFH in the project area. This Public Notice initiates EFH consultation with the NMFS. Any comments or recommendations they may have concerning EFH will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For

activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Julie Woodke at (907) 753-2712, toll free from within Alaska at (800) 478-2712, or by email at julie.a.woodke@poa02.usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings and Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures

PSF
1/9/07

**STATE OF ALASKA
ANNUAL PLACER MINING APPLICATION (APMA)
SUCTION DREDGE OPERATION**

MULTI-YEAR 2007 - 2011

APMA NO: F075974

APPLICANT AND SITE INFORMATION		
What type activity are you planning to perform? (1) <input type="checkbox"/> Exploration <input type="checkbox"/> Reclamation <input type="checkbox"/> Access Equipment <input checked="" type="checkbox"/> Suction Dredging/Reclamation	Is This Activity Within Alaskan Coastal Zone Boundaries? (2) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Are the mineral properties? (3) <input checked="" type="checkbox"/> State <input type="checkbox"/> Federal <input type="checkbox"/> Private (Patented) <input type="checkbox"/> Private (Native Corp Land)
Check, as appropriate, and indicate permit number, if any of the following agencies have issued permits for these mineral properties: (4) <input type="checkbox"/> EPA - NPDES Wastewater Discharge Permit No: AKG 371214 <input type="checkbox"/> Corps of Engineers "404" Permit No:		
Name of ALL Mineral Property Owners: (5) (Attach Separate Sheet If Necessary) 40 MILE RIVER GOLD MINING COMPANY	Lessee: (6)	Operator: (7) MICHAEL E. BICE
Mailing Address (Winter): 3107 BETTLES BAY LOOP ANCHORAGE, AK 99515	Mailing Address (Winter):	Mailing Address (Winter): SAME AS OWNER
Mailing Address (Summer): SAME	Mailing Address (Summer):	Mailing Address (Summer): SAME
Home Phone (Winter): 907 349-8714	Home Phone (Winter):	Home Phone (Winter): SAME
Home Phone (Summer): 907 349-8714	Home Phone (Summer):	Home Phone (Summer): SAME
Work Phone (Winter): 907 258-2821	Work Phone (Winter):	Work Phone (Winter): SAME
Work Phone (Summer): SAME	Work Phone (Summer):	Work Phone (Summer): SAME
FAX: NONE	FAX:	FAX:
E-mail: NONE	E-mail:	E-mail:

Operator's Federal EIN Number or SSN (8)	Number of Workers (9) 6	Intended Start-up/Shut Down (Month/Day) (10) 5/1 to 10/1
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Mining District: (11) 40 MILE	Applicable U.S.G.S. Quad Map: (12) EAGLE A-1, B-1	On What Stream Is This Activity? (13) 40 MILE RIVER
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Legal Description of Mineral Properties To Be Worked (Township; Range; Section; Meridian): (14)

T. 7 S., R. 33 E., Section 35 & T. 8 S., R. 33 E., Section 2 FM

LIST ONLY MINERAL PROPERTIES WITH CURRENT DISTURBANCE AND/OR THOSE ON WHICH SUCTION DREDGE ACTIVITY WILL OCCUR (ATTACH ADDITIONAL SHEETS AS NECESSARY) (15)

	ADL/BLM/USMS NUMBER	PROPERTY NAME		ADL/BLM/USMS NUMBER	PROPERTY NAME
1.	Upland Mining Lease	ADL 588388	7.		
2.			8.		
3.			9.		
4.			10.		
5.			11.		
6.			12.		

38140

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39614

DESCRIPTION OF OPERATIONS

(16)

List equipment to be used (Type; Size; Purpose; and Number of Each):

1- 10" Suction Dredge, 2 - 8" Suction Dredges, 2- 6" Suction Dredges, 1- 5" Suction dredge, and 1- 4" Suction Dredge

List any equipment that will be crossing streams during suction dredge activities.

(17)

All suction Dredges

ACCESS OUTSIDE OF CLAIM BLOCK

(18)

Access across state land may require a "Land Use Permit" from the Division of Mining, Land & Water. Access across federal land requires approval of the managing federal agency. Access across private property, including native corporation lands, mental health trust lands, and other private property, may require authorization from the private property owner. It is the responsibility of the applicant to contact the appropriate managing landowner to assure all required permits for access are obtained.

A completed access map must be submitted with your APMA. Copies of U.S.G.S. topographic maps at a scale of 1"=1 mile must clearly indicate the proposed access route from start to finish and include appropriate legal descriptions (township and range) on each map sheet. The quadrangle map name should also be indicated (Healy A-3, etc.). Paper size should be limited to 8 1/2" x 11". Do not tape maps together.

Access is: ☒ Existing ☐ To Be Constructed ☐ Both (Explain): By river

If access is to be constructed, indicate: Type: _____ Length: _____ Feet Width: _____ Feet Depth: _____ Feet

A Right-of-Way (ROW) Permit is required from the Department of Natural Resources, Division of Mining, Land & Water, to construct access on state land outside a claim block. "Construction" is the use of mechanized equipment to create or improve access, including dropping the blade or bucket, and/or adding gravel to the surface. Contact the Division of Mining, Land & Water, in Anchorage (907) 269-8647, or Fairbanks (907) 451-2793 to determine if a ROW permit is required - applications may require six month to one year to process. NOTE: Any access constructed across "wetlands", including within your claim block, may require a Corps of Engineers (COE) "404" permit. It is the responsibility of the applicant to contact the COE for a determination as to whether or not this permit is required.

Indicate Type(s) of Access:

☐ All Season Road - A road intended to be used during all seasons of the year without causing long term damage to the road.

☐ Cross Country Trail - Travel is off an all season road with equipment/vehicles other than a standard 4-wheel drive pick-up truck, snowmobile, or 4-wheeler/6 wheeler All Terrain Vehicle (ATV), provided the vegetative mat is not killed or broken. Note, travel on a trail intended for winter use only is considered a cross-country trail. A performance guarantee for cross-country travel on state lands may be required. If required, it must be received before a permit will be issued and will be released after travel is completed and no trail damage has occurred.

☐ Airstrip - Indicate length: _____ Feet ☒ River

If you are transporting equipment and/or fuel on a cross country trail, please complete the following:

1) List all equipment and vehicles being transported N/A

2) Are you transporting fuel? ☐ Yes ☒ No If "yes", indicate type and amount: _____

3) Are you transporting other petroleum products? ☐ Yes ☒ No If "yes", indicate type and amount: _____

4) How are the fuel/petroleum products contained? (i.e., drums, bladders, steel tanks, etc.) Indicate size of each container: _____

5) How are the fuel/petroleum products being transported (i.e., skid-mounted tank; trailer, 55 gallon drums on skid; tanker truck, etc.)? _____

6) Indicate proposed dates for each period of cross country travel: _____

NOTE: All cross-country travel must be specifically authorized by the appropriate land manager(s) prior to the commencement of travel. Travel may not be authorized if trail conditions indicate damage could occur.

Jan-09-07 11:34am

From: DNR/DIVISION OF MINING & WATER

0074512703

T-018 P.02/02 F-383

MINING METHOD

(19)

Indicate Size of Dredge(s) Used in Operation:

[X] Suction Dredge # 1: Nozzle Size: 2 1/2 inches - Engine HP: 57[2] Suction Dredge # 2: Nozzle Size: 7/12 inches - Engine HP: 18ESTIMATED: Sluce Days This Season: 100 Cubic Yards of Material To Be Processed: Daily: 16 Annually: 1000 approximate

STRUCTURES/FACILITIES

(20)

(Placement and use of any surface structure must be requested in writing and approved in advance)
(Include location, claim name and number, on sketch sheet and topographic map)

[] Camp facilities not required

[X] Request use of existing facilities (Indicate number of each):

[X] Frame 10' x 14' building as authorized [] Log Structure [] Trailer [x] Tent/Tent Frame 5

[] Request authorization to construct or place (Indicate number of each):

[] Frame [] Log Structure [] Trailer [] Tent/Tent Frame

FUEL

(21)

Volume Stored: 500 Gallons

Indicate Distance Stored From Flowing Waters: _____ Feet

Type of Storage Container: [] Tanks Larger Than 660 Gallons [] Tanks Less Than 660 Gallons [] Fuel Bladder [x] 66 Gallon Drums

[X] Other (Specify): 15 gallon drums

Are Fuel Containment Berms Around Storage Containers?: [x] Yes [] No Is Berm Area Lined? [x] Yes [] No

Notice of Intent for the ENVIRONMENTAL PROTECTION AGENCY (EPA)
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT (GP)

(22)

Do you want this APMA to act as an application (NOI) for the EPA NPDES General Permit? [x] Yes [] No

Indicated name of waterbody into which the discharge flows: 40 MILE RIVER AKG 37-1214Signature of Permittee: MA Rice

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Stream By-Pass Or Diversion? [X] Not required [] Existing [] To Be Constructed

(23)

Is Stream By-Pass? [] Permanent [] Temporary

(Indicate on mine plan diagram): Length: _____ Width: _____ Depth: _____

Average stream bed material size: [] Bedrock [] Boulder [] Cobble [] Gravel [] Sand [] Silt/Clay

WATER USE AUTHORIZATIONS

(24)

Water usage (including water used in a 100% recycle system) may require authorization by either a Temporary Water Use Permit or a Water Rights Permit or Certificate. Information provided in the Make-Up Water Supply and Recycle/Settling Pond System sections of this application will be used to determine the quantity of water that you can be authorized to use for your mining operation.

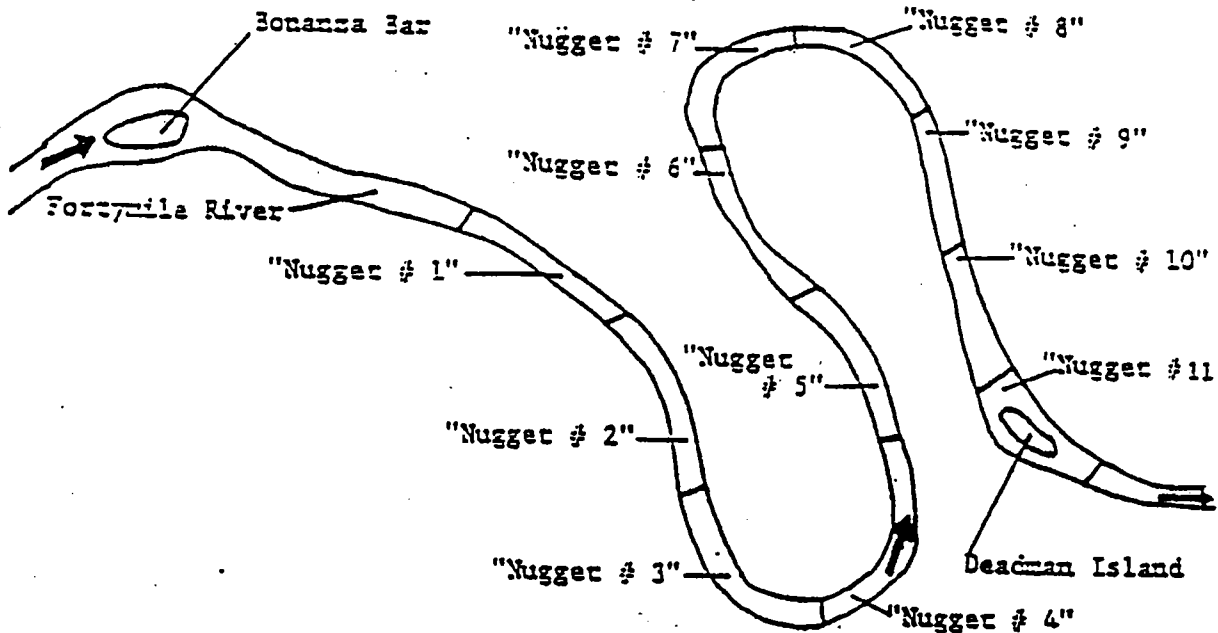
Do you currently have a Water Rights Permit or Certificate? [X] Yes [] No If yes, please indicate ADL/LAS Number: 20740

(If no, please contact a Division of Mining, Land & Water, Water Resource Section, to determine what type of water uses authorization you will require for your project, in Fairbanks @ (907) 481-2780)

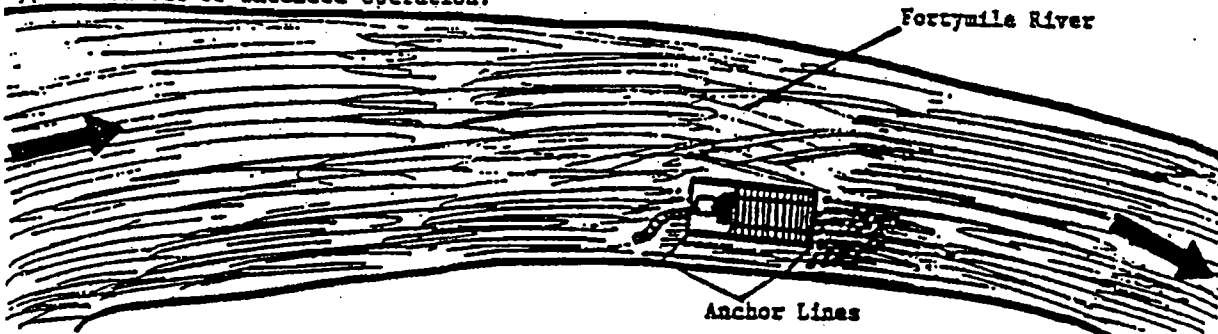
Quantity of water required for dredge operation NONE gpd.

PLAN MAP OF OPERATION

(25)



Typical Layout of Intended Operation:



General Description of Intended Mining Activity:

Mining activity will consist of in-stream suction dredging activity on state river-bottom claims as we have done in the past. Plans are to utilize 4 dredges consisting of one 10", two 8", and one 5" during the course of the season. Access to the claims area will be by riverboat. Fuel will also be transported by riverboat and will be stored in 55 gallon drums at least 200 feet from flowing waters. We anticipate start-up approximately May 1st, but, weather and water conditions could affect our proposed plans. Standard suction dredging reclamation measures will be followed as specified in past permits issued by the Division of Mining, Land & Water. Camp facilities have been coordinated with and permitted through the BLM Tok Field Office. Sanitary facilities are pit privy similar in construction to the design recommend by ADC. Solid waste will be contained so as not to attract nuisance animals. That which cannot be properly disposed of at the camp will be removed from the area and deposited at an approved facility. Care will be taken to ensure that camp remains neat, clean, and orderly.

(Attach Additi
PLEASE REVIEW THE SKETCH SI
INCOMPLETE SKETCH SHEE

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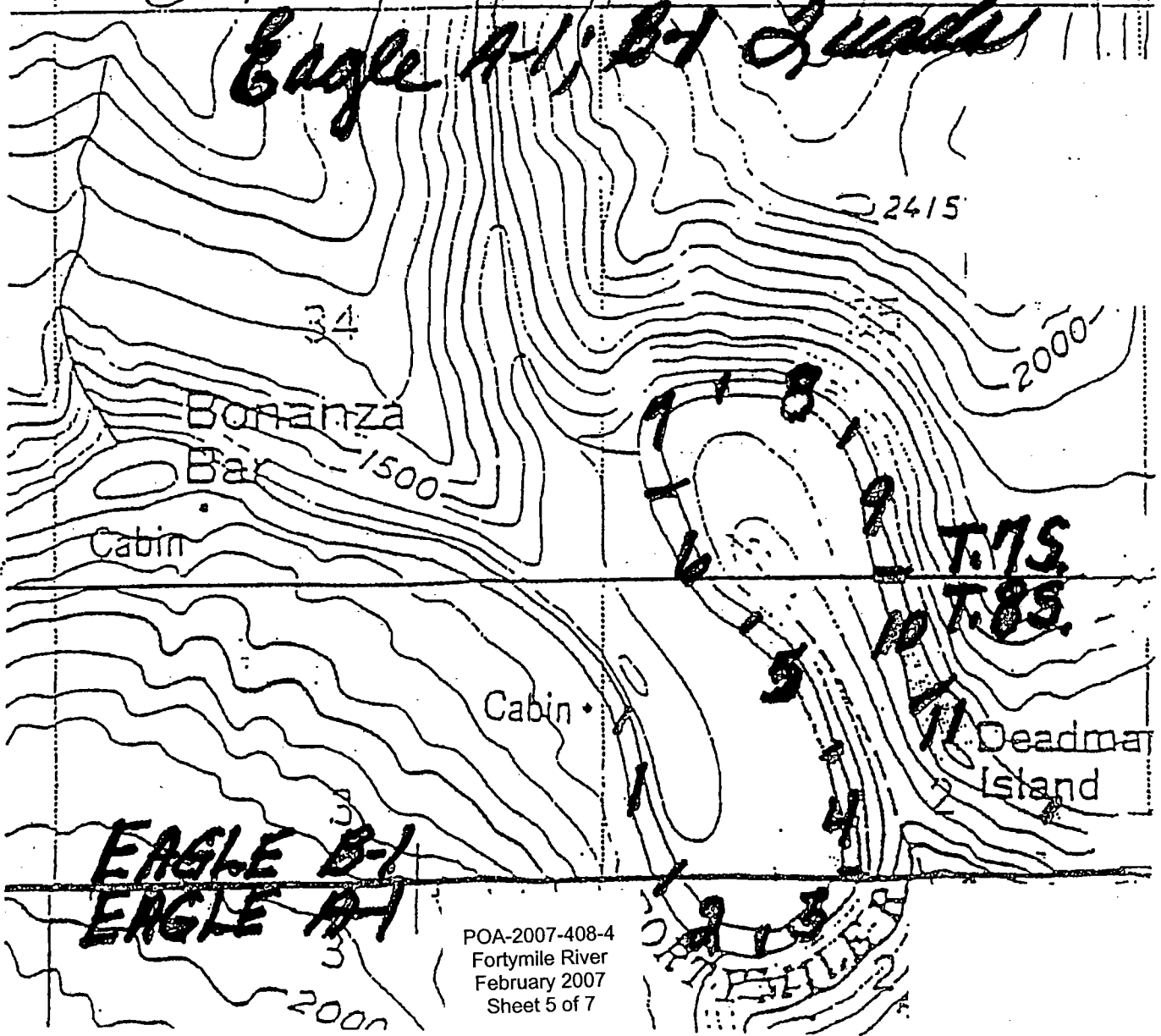
Detailed Explanations As Necessary)
SURE THAT ALL REQUIRED ITEMS ARE INCLUDED
THE ENTIRE APMA TO BE RETURN

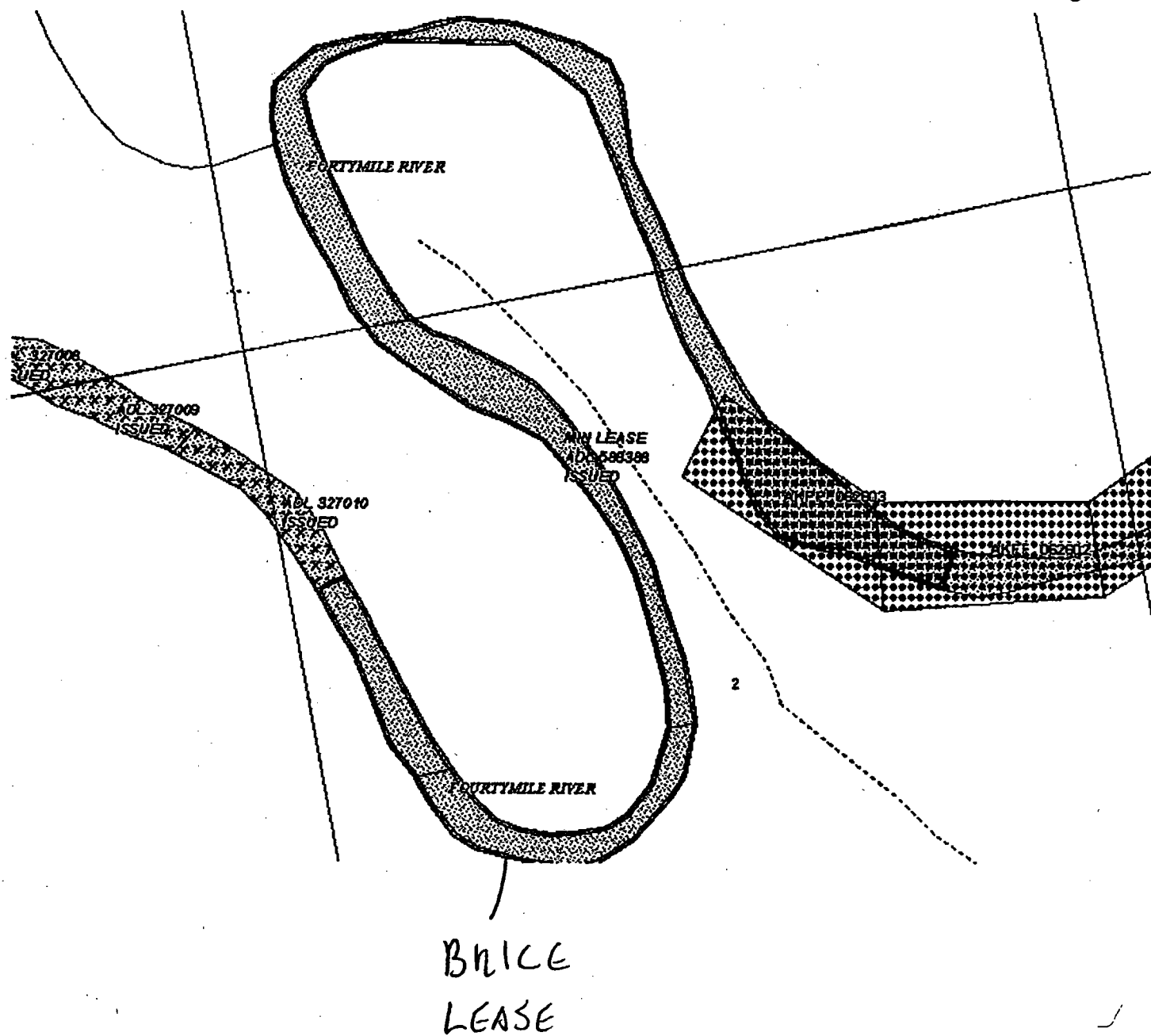
Claim Identification

1. ADL 561368 "Nugget # 1"
2. ADL 561369 "Nugget # 2"
3. ADL 561370 "Nugget # 3"
4. ADL 561371 "Nugget # 4"
5. ADL 561372 "Nugget # 5"
6. ADL 561373 "Nugget # 6"
7. ADL 561374 "Nugget # 7"
8. ADL 561375 "Nugget # 8"
9. ADL 561376 "Nugget # 9"
10. ADL 561377 "Nugget # 10"
11. ADL 561378 "Nugget # 11"

*T. 7 S., R. 33 E., Sec 35, F.M.
T. 8 S., R. 33 E., Sec 3, F.M.*

Eagle A-1; B-1 & under





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RECLAMATION

(26)

Check One:

☐ RECLAMATION PLAN
(Mined Area 5 Acres Or Greater)☒ LETTER OF INTENT TO DO RECLAMATION
(Mined Area Less Than 5 Acres)

In accordance with Alaska Statute 27.19, reclamation is required of all mining operations. Reclamation bonding is required of mining operations with a mined area (all portions of a mining operation excluding camp and roads) of 5 acres or greater. Completion of this application will meet the requirements for a "Reclamation Plan" for operations 5 acres and larger in size on state land and "Letter of Intent To Do Reclamation" for operations under 5 acres. If you do not intend to use the reclamation methods presented below, please provide additional information concerning your plans for reclamation under separate attachments.

Total acreage currently disturbed: 0 acres. This should match: "Total Unreclaimed Acres" on your 2005 Annual Reclamation Statement for Small Mines, or line #7 on your 2007 Bond Pool Renewal Form. (Disturbed ground includes stripped areas; mining cuts; overburden and tailing stockpiles and disposal areas; stream by-passes; settling ponds and any other areas disturbed since October 1991 (State mining claims or Private lands) or 1981 (Federal mining claims); and are currently unreclaimed. Federal operators include area of camp and roads.

New acres to be disturbed in 2007: 1/4 acres.

Total acreage (currently disturbed plus new acres): 1/4 acres.

Of this acreage: 1/4 acres are State land. _____ acres are Private land. _____ acres are Federal land.

Total acreage to be reclaimed in 2007: 1/4 acres; and:

- ☒ Reclamation will be conducted concurrently with mining.
☐ Reclamation will be conducted at the end of the mining season.

Total volume of material to be disturbed in 2007: _____ cubic yards. (Including strippings and overburden to be removed)

The following reclamation measures shall be used. (These measures are required by law. Those that do not apply may be crossed out; but, an explanation must be given as to why these measures are not necessary at your site.)

1. Stream Suction Dredge Operations:

- Reclamation shall be completed prior to the end of the mining season. Reclamation shall consist of leveling or contouring all gravel bar and stream bed tailings. Tailings shall be left in such a manner that spring run off will level the tailings without causing undue erosion. In no case will tailing piles extend more than 18 inches above the water surface at the end of the mining season.
- Prior to the end of the mining season, tailing piles, berms, or wing dams will be removed or left in such a manner to allow unrestricted passage of fish and flood waters.
- All buildings and structures constructed, used or improved, on State land, will be removed, dismantled, or otherwise properly disposed of at the completion of mining. The campsite will be cleaned up and left free of debris.
- Other: _____

2. Offshore Suction Dredge Operations:

- Tailings discharged from the dredge to the sea floor shall be placed in a manner that will approximate the adjacent sea floor surface. The dredge shall be moved as necessary to allow for the proper low profile distribution of tailings. Tailings shall be placed in a manner that will maintain a water depth suitable for safe passage of sea traffic. Blockage of the dredge area to navigation is prohibited.
- All buildings and structures constructed, used or improved, on State land, will be removed, dismantled, or otherwise properly disposed of at the completion of mining. The campsite will be cleaned up and left free of debris.
- Other: _____

IMPORTANT:

- Alternative reclamation measures may be approved if the reclamation measures presented above are not applicable to your site. Please explain in separate correspondence. Submit a sketch and describe additional reclamation measures you propose to conduct at your mining operation. Reclamation measures must comply with Alaska Statute 27.19.
- Federal land managers may require reclamation measures different to those identified above.

BONDING

In accordance with Alaska Statute 27.19, bonding is required for all mining operations having a mined area of five acres or greater on state land. This area must be bonded for \$750.00 per acre, unless the miner can demonstrate that a third party contractor can do the required reclamation for less than that amount. A Statewide bonding pool has been established and may be joined by completing the bond pool application form. Federal land managers may have additional bonding requirements. Use bond form to calculate area of disturbance for bonding.

Signature of Applicant

Relationship to Claim(s)

Date


☒ Owner ☐ Lessee ☐ Operator ☐ Agent

10-31-2006

Printed Name Michael E. Bice POA-2007-408-4
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STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-7564/FAX: (907) 334-2415

**NOTICE OF APPLICATION
FOR
STATE WATER QUALITY CERTIFICATION**

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-2007-408-4, Fortymile River, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.